IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 23365 of 2007(F)

PETITIONER:

PRABHURAM MILLS WORKERS UNION (U.T.U.C) REG.NO.3/6/2005, KOTTA P.O., KARAKKAD, CHENGANNUR, ALAPPUZHA DIST. REPRESENTED BY ITS GENERAL SECRETARY.

BY ADV. SRI.R.AZAD BABU

RESPONDENTS:

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1. **M/S.PRABHURAM MILLS, UNIT OF KERALA STATE TEXTILE CORPORATION LTD. (A GOVERNMENT OF KERALA UNDERTAKING) KOTTA P.O., KARAKKAD, CHENGANNUR, ALAPPUZHA REPRESENTED BY ITS GENERAL MANAGER.**

2. **KERALA STATE TEXTILE CORPORATION LTD., THIRUVANANTHAPURAM REPRESENTED BY ITS MANAGING DIRECTOR.**

3. **THE DISTRICT LABOUR OFFICER, OFFICE OF THE DISTRICT LABOUR OFFICE, ALAPPUZHA.**

4. **THE LABOUR COMMISSIONER, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**

5. **STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, INDUSTRIES DEPARTMENT, THIRUVANANTHAPURAM.**

6. **PRABHURAM MILLS EMPLOYEES ASSOCIATION (CITU) REPRESENTED BY ITS GENERAL SECRETARY, KOTTA P.O., KARAKKAD, CHENGANNUR, ALAPPUZHA.**

**7. PRABHURAM MILLS EMPLOYEES UNION (AITUC)
REPRESENTED BY ITS GENERAL SECRETARY,
KOTTA P.O., KARAKKAD, CHENGANNUR, ALAPPUZHA.**

**8. PRABHURAM MILLS LABOUR UNION (INTUC)
REPRESENTED BY ITS GENERAL SECRETARY,
KOTTA P.O., KARAKKAD, CHENGANNUR,
ALAPPUZHA.**

**9. PRABHURAM MILLS MAZDUR SANGHAM (BMS),
REPRESENTED BY ITS GENERAL SECRETARY,
KOTTA P.O., KARAKKAD, CHENGANNUR, ALAPPUZHA.**

**BY GOVERNMENT PLEADER SRI.T.T.MAHMOOD
ADV. M/S.B.S.KRISHNAN & ASSOCIATE, SC.KSTC
SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE DUPLICATE CERTIFICATE OF REGISTRATION ISSUED BY THE DEPUTY REGISTRAR OF TRADE UNIONS, THIRUVANANTHAPURAM.

EXT.P2: COPY OF CERTIFICATE OF AFFILIATION DATED 3.6.2005 ISSUED BY THE GENERAL SECRETARY OF THE UNITED TRADE UNION CONGRESS.

EXT.P3: COPY OF ANNUAL RETURN DATED 11.1.2007 FILED BY THE PETITIONER FOR THE YEAR ENDING 31.12.2006.

EXT.P4: COPY OF THE BYELAWS OF THE PETITIONER.

EXT.P5: COPY OF THE MEMORANDUM OF SETTLEMENT DATED 23.3.2001.

EXT.P6: COPY OF THE LETTER DATED 15.9.2006 ISSUED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, INDUSTRIES DEPARTMENT TO THE 2ND RESPONDENT.

EXT.P7: COPY OF NOTICE ISSUED BY THE 3RD RESPONDENT DATED 20.3.2007 FOR CONVENING MEETING.

EXT.P8: COPY OF NOTICE ISSUED BY THE 3RD RESPONDENT DATED 19.4.2007 FOR CONVENING MEETING.

TRUE COPY

P.A.TO JUDGE

S.SIRI JAGAN,J

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W.P.(C).No.23365 of 2007

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Dated this the 19th day of September 2007

JUDGMENT

The petitioner is union of employees of the first respondent. It is a unit of the Kerala State Textile Corporation Ltd. owned by the Government of Kerala. Their grievance in this writ petition is that the management is not conducting referendum as per Ext.P5 settlement which contemplates conducting of referendum at definite intervals for deciding recognised unions of employees. According to the petitioner the time for conducting next referendum is over and in spite of that the first respondent is not conducting the referendum. Notices have been served on other unions as well, but they have not cared to enter appearance and contest this case. The learned standing counsel for the first respondent submits that the company has no objection in conducting the referendum as per the settlement, but steps in this regard have to be taken by the third respondent - Labour Officer and not by the first respondent.

I have heard the learned Government Pleader also. In the facts and circumstances of the case, the writ petition is disposed

of with the following directions to the third respondent:

The third respondent shall be take appropriate steps to conduct the referendum as per Ext.P5 statement and complete the process to its logical conclusion within a period of four months from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

S.SIRI JAGAN, JUDGE

dvs